

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PORTFOLIO INVESTMENTS, LLC, et  
al.,  
  
Plaintiffs,  
  
v.  
  
FIRST SAVINGS BANK NORTHWEST,  
et al.,  
  
Defendants.

Case No. C12-104 RAJ

ORDER REGARDING  
DEFENDANTS' MOTION TO  
DISMISS

This matter comes before the court on a motion to dismiss the complaint by defendants Tax Attorneys, Inc., Susan Chang, John Cicero II and Melanie Cicero (collectively "Defendants"). Dkt. # 39. Defendants seek to dismiss plaintiffs' RICO claims with prejudice, and seek to dismiss the state law claims without prejudice.

This court is very familiar with counsel for plaintiffs, Dean Browning Webb. Indeed, on April 12, 2012, the undersigned judge admonished Mr. Webb for his litigation misconduct in another case before the court. *See Singleton v. Bank of America, N.A.*, Case No. 11-1247RAJ, Dkt. # 43. In that order, the court reviewed Mr. Webb's practice

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1 to file monstrosity, incoherent pleadings in this district since 2007. *Id.* The court warned  
2 Mr. Webb that if his litigation misconduct continued before the undersigned judge, he  
3 will, at a minimum, face sanctions. *Id.* In this case, plaintiffs filed their 429 page  
4 complaint on January 19, 2012. The court will not sanction Mr. Webb here given that the  
5 court's admonishment came after the complaint was filed.

6 With respect to the motion to dismiss, Defendants have attempted to wade through  
7 the monstrosity of the complaint. In response, although plaintiffs cite various paragraphs  
8 in the introduction, plaintiffs fail to cite to a single paragraph in the complaint, or  
9 otherwise explain how any of the facts alleged in the 429 page complaint constitute a  
10 predicate act for purposes of plaintiffs' RICO claims. The court will not do Mr. Webb's  
11 job for him.

12 For all the foregoing reasons, the court STRIKES plaintiffs' complaint *sua sponte*.  
13 Fed. R. Civ. P. 12(f)(1). Mr. Webb is to take heed of the court's admonishment in  
14 *Singleton*, Dkt. # 43. No later than August 24, 2012, plaintiffs may file an amended  
15 complaint of no more than 30 pages. The clerk is directed to terminate Defendants'  
16 motion to dismiss. Dkt. # 39.

17 DATED this 3<sup>rd</sup> day of August, 2012.

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19 The Honorable Richard A. Jones  
20 United States District Judge  
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